



सत्यमेव जयते

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## PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

### REVENUE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 21<sup>st</sup> August, 2020.

### GUJARAT ORDINANCE NO. 9 OF 2020.

#### *AN ORDINANCE*

*further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948,  
the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands  
Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands  
(Vidarbha Region and Kutch Area) Act, 1958.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

**Bom. LXVII of 1948.**  
**Sau. Ord. XLI of 1949.**  
**Bom. XCIX of 1958.**

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the  
Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands  
Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands  
(Vidarbha Region and Kutch Area) Act, 1958;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

**1. *Short title and commencement.*** - (1) This Ordinance may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**2. *Bom. LXVII of 1948, Sau. Ord. XLI of 1949 and Bom. XCIX of 1958 to be temporarily amended.***- During the period of operation of this Ordinance, the Gujarat Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act”), the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”) and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”) shall have effect subject to the amendment specified in sections 3 to 8, respectively.

**Bom. LXVII  
of 1948.**

**Sau. Ord.  
XLI of 1949.**

**Bom. XCIX  
of 1958.**

**3. *Amendment of section 63AA of Bom. LXVII of 1948.***- In the Gujarat Tenancy and Agricultural Lands Act, in section 63AA,-

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that such permission shall be granted by the Collector only upon the payment of -

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);

- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide*

industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), in clause (vi), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) sub-clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

4. ***Insertion of new section 63AAA in Bom. LXVII of 1948.***- In the Gujarat Tenancy and Agricultural Lands Act, after section 63AA, the following new section shall be inserted, namely: -

**Sale of land for the purposes other than industrial purposes.**

**“63AAA.** (1) The sale of land for other than bonafide industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

**Bom. V of 1879.**

- (a) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be decided

by the State Government by notification in the *Official Gazette* and the State Government may also declare other purposes from time to time.

- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
- (c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

**Bom. V of  
1879.**

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

- (c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-
- (i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed;
  - (ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 63.
- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may, by an order, authorise in this behalf.
- (ii) The State Government or the authorized officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.
- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold, shall not be used for any other purpose other than intended to use.

- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land.

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;



- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that, -

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or

into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

**5. Amendment of section 55 to Sau. Ord. XLI of 1949.-** In the Saurashtra Ordinance, in section 55,-

(1) in sub-section (3A), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (3B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be inserted, namely: -

“Provided that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

**6. Insertion of new section 55A to Sau. Ord. XLI of 1949.-** In the Saurashtra Ordinance, after section 55, the following new section shall be inserted, namely: -

**Sale of land for the purposes other than industrial purposes.**

“55A. (1) The sale of land for other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

**Bom. V of 1879.**

(a) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be decided by the State Government by notification in the *Official Gazette* and State Government may also declare other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale of such land shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

**Bom. V of 1879.**

(2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment

leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase for the land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he -

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 54.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause(ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

(ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.

(3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.

- (b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land.

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (i) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;

- (ii) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iii) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iv) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that, -

- (a) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (b) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value.”.



7. ***Amendment of section 89A to Bom. XCIX of 1958.***- In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 89A, -

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), -

- (a) in clause (vi), for the existing proviso, the following proviso shall be inserted, namely: -

Provided that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

**8. Insertion of new section 89AA to Bom. XCIX of 1958.-** In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act after section 89A, the following section shall be inserted, namely: -

**Sale of land for the purposes other than industrial purposes.**

“**89AA.** (1) The sale of land for other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

- (a) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be decided by the State Government by notification in the *Official Gazette* and State Government may also declare other purposes from time to time.
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
- (c) Where the land proposed to be sold is owned by a person to belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

**Bom. V of 1879.**

- (2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).

- (3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.
- (b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.
- (c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-
- (i) is satisfied that the land has been validly purchased in accordance with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.
  - (ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 89.
- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

- (ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.
- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold shall not used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of land.

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time.

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that, -

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible

under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in subsection (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.



## STATEMENT

At present, there are three different tenancy laws in operation in the State. In the Bombay area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands Act, 1948, is in force; in the Kutch area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 is in force; whereas in the Saurashtra area of the State of Gujarat, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 is in force.

With the industrial advancement taking place at a rapid rate in the State of Gujarat, a need has arisen to allow certain purchases being made for bonafide industrial use in the State.

The land which is purchased for bonafide industrial use and instead of using, such land is required to sale, at that time such permission for sale of such land shall be granted only for the bonafide industrial purpose, and in case the industrial purpose usage is not permissible under Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;

It is also proposed that where the land is sold for *bonafide* industrial purpose, it can be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners, but in such cases, permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

It is also proposed that in case of the land which is purchased for bonafide industrial purpose and which needs to be transferred under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority, in such cases the purchaser shall apply

for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value; if the person fails to obtain such permission within a period of 60 days, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.

A new section in the tenancy laws applicable in the State of Gujarat is inserted for purchase of land in certain cases like Agricultural University, Animal Husbandry University, Education, Medical Education and Health and also with some conditions as mentioned in the said new section.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said tenancy laws to achieve the aforesaid objects.

Gandhinagar.  
Dated the 21<sup>st</sup> August, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**KALPESH SHAH,**  
Additional Secretary to Government.

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